

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NOVO NORDISK INC. and
NOVO NORDISK A/S,

Plaintiffs,

v.

AUROBINDO PHARMA LTD. and
AUROBINDO PHARMA USA, INC.

Defendants.

Civil Action No. 12-1026

ORDER

This matter having been opened to the Court by David E. De. Lorenzi, Esq., counsel for Plaintiffs Novo Nordisk Inc. and Novo Nordisk A/S (collectively “Plaintiffs”), and Philip L. Hirschhorn, Esq., counsel for Defendants Aurobindo Pharma Ltd. and Aurobindo Pharma USA, Inc. (collectively “Defendants”), on a Stipulated Request for Entry of Final Judgment; it appearing that Plaintiffs brought the above-captioned action against Defendants for infringement of U.S. Patent No. 6,677,358 (“the ’358 patent”); it appearing that the Eastern District of Michigan adjudged the ’358 patent unenforceable and claim 4 of the patent invalid in Novo Nordisk A/S v. Caraco Pharm. Labs., Ltd., 775 F. Supp. 2d 985 (E.D. Mich. 2011) (“Michigan Action Judgment”); it appearing that the parties have met, conferred, and reached agreement on a means for the efficient disposition of the issues and claims raised and asserted in this action in order to save and conserve the costs of litigation and judicial resources, without any admission of liability by either party; and for good cause shown;

IT IS on this 10th day of April 2012,

ORDERED that Judgment on the pleadings shall be entered in favor of Defendants that

the '358 patent is unenforceable and claim 4 of the '358 patent is invalid based on the collateral estoppel effect of the Michigan Action Judgment;

ORDERED that each party in the action shall bear its own costs, expenses, and attorneys' fees, and each party waives any right to pursue against any other party an award of costs, expenses, or attorneys' fees;

ORDERED that any future action or claim that the parties decide to pursue against one another arising out of the facts or circumstances alleged in Plaintiffs' Complaint shall be filed in this District and this Court shall retain jurisdiction over this stipulation and any future claim(s) as set forth in this paragraph;

ORDERED that if a court of appeals vacates or reverses the Michigan Action Judgment in part or in whole, this Court will, in accordance with Fed. R. Civ. P. 60(b)(5), vacate the final judgment in this action;

ORDERED that final judgment is hereby entered by the Court;

ORDERED that this case shall be marked as CLOSED;

SO ORDERED.

/s/ Freda L. Wolfson
FREDA L. WOLFSON, U.S.D.J.